

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO.100 OF 2004
IN
NOTICE OF MOTION NO.905 OF 2002
IN
SUIT NO.900 OF 2002**

Jayesh Jayantilal Doshi .. Appellant
V/s
Smt.Hemlata Heramb Naik & Ors. .. Respondents
Mr.Piyush Shah for the Appellant.

**CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.**

DATE : 3rd August, 2006.

P.C.:

1. Not on board. Taken on board by consent of the learned Counsel for the Appellant. Heard the learned Counsel for the Appellant. None appears for the Respondents though served. Perused the order dated 10th April, 2002 passed by the learned Single Judge which is impugned in this Appeal. The learned Counsel for the Appellant fairly states that at the time when the above order dated 10th April, 2002 came to be passed by the learned Single Judge, the Appellant was not a party in the suit. The Appellant got himself impleaded subsequently by taking out a Chamber Summons. In view thereof, the present Appeal stands disposed of by granting liberty to the Appellant to approach the learned Single Judge for modification of the impugned order dated 10th April, 2002.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR, J.)